

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RAYMOND BEALS,

Plaintiff,

- against -

ACTING SUP. DEP. FARRELL,

Defendant.

USDC SDNY
DOCUMENT
MANUALLY FILED
DOC #:
DATED FILED: <u>2/4/08 DS</u>

ORDER

07 Civ. 4540 (PAC) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Pro se petitioner, Raymond Beals, a New York State prisoner at the Wallkill Correctional Facility, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was given to correctional authorities for mailing to this Court on March 1, 2007, and docketed by the *pro se* office in this District on May 30, 2007. Beals was denied leave to appeal his conviction to the New York State Court of Appeals on April 19, 2004, and, for purposes of this petition, his conviction became final on July 19, 2004. A petitioner must file an application for a writ of habeas corpus within one year of his conviction becoming final. *See* Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), 28 U.S.C. § 2244(d)(1). Respondent indicates that Beals’s petition is untimely.

IT IS HEREBY ORDERED that Beals submit a statement by **March 10, 2008**, explaining why his petition should not be barred by AEDPA’s one-year statute of limitations.

SO ORDERED this 4th day of February 2008
New York, New York



The Honorable Ronald L. Ellis
United States Magistrate Judge